IN THE HIGH COURT OF JUDICATURE,
ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.20058 OF 1997

Dated: January 31, 2007

Between:

R. Leela Sai Prasad, S/o. Raghava Reddy, 5 years,
being minor, rep. by mother and guardian R. Sujathamma,
W/o. Raghavareddy, 25 years, Cultivation & household,
Nagireddipalli, Kadiri (M), Anantapur District.

... Petitioner

And

District Collector, Anantapur, and another.

... Respondents

Order:

By this Writ Petition, petitioner seeks Mandamus to declare the proposed acquisition of land to an extent of Ac.2.66 cents in S.No.990/2 of Kadiri village and Mandal, Anantapur District, and the notification dated 13-07-1997 issued under Section 4(1) of the Land Acquisition act, 1894 (for short 'the Act') as illegal and arbitrary and a consequential direction to the respondents to drop all further proceedings relating to acquisition of the aforesaid

land.

2. In the affidavit filed in support of the Writ Petition, it is stated that petitioner's father and grandfather were the original owners of the aforesaid land. It is the case of the petitioner that his father executed relinquishment deed dated 15-05-1996 in his favour and by virtue of that relinquishment; petitioner has become the absolute owner of the aforesaid land and has been in peaceful possession and enjoyment of the same. It is stated that the first respondent issued notification dated 13-07-1997 under Section 4(1) of the Act notifying the aforesaid land of the petitioner for acquisition for the purpose of providing house sites to weaker sections. The case of the petitioner is that respondents visited the land that is sought to be acquired and threatened him that he would be dispossessed therefrom. It is stated that petitioner has submitted his objections to the acquisition before the second respondent on 15-08-1997, which were not considered. At that stage, he has come up with the present Writ Petition.

3. Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing on behalf of the respondents.

4. The grounds on which the petitioner mainly questions the acquisition is that though he is the owner of the said land by virtue of relinquishment deed executed by his father, however, his name has not been shown as the owner in the notification dated 13-07-1997. The second ground is

that there is no urgency to invoke urgency clause under Section 7(1) of the Act, by dispensing with enquiry Section 5-A of the Act. The last ground is that there are alternative lands available for acquisition, however, without taking steps to acquire them, lands of the petitioners are sought to be acquired.

5. Respondents have filed counter affidavit stating that the owner of the land proposed to be acquired has not produced any documentary evidence in support of his ownership; hence, Sri R. Narasimha Reddy is shown as the pattadar of the land as per revenue records and accordingly notification was issued. It is stated that enquiry under Section 5-A of the Act was conducted and objections for acquisition have also been taken into consideration. With regard to alternative land, it is stated that the land of the petitioner has been found suitable for the purpose of acquisition and the same is required for the purpose of providing house sites to weaker sections of Kadiri town.

6. It is to be seen that merely because the petitioner's name has not been shown in the notification for acquisition, the notification will not be invalidated. In the counter affidavit filed by the respondents, it is stated that the father of the petitioner, who was the original pattadar of the land in question, has participated in the proceedings of the enquiry, and the lands continue in the name of petitioner's father. It is also to be seen that the very notification shows that enquiry under Section 5-A was conducted. As the land of the petitioner was found suitable

and appropriate for providing house sites to weaker sections of Kadiri town, the same has been notified for acquisition. Hence, I do not find any illegality in the action of the respondents.

7. The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

JUSTICE R. SUBHASH REDDY.

January 31, 2007
MRR